

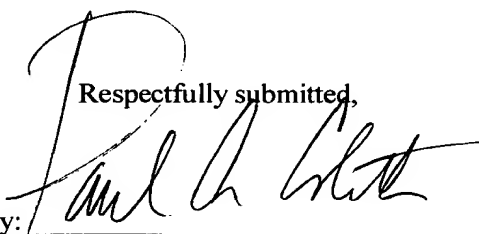
REMARKS/ARGUMENTS

This amendment is made in response to the Office Action dated December 5, 2003. Therein, the Examiner rejected the claims under 35 USC § 112, second paragraph. Now, claim 5 has been amended regarding the language "same stent". Further, in claim 8, "variable strut thickness" is given antecedent basis. In claim 9, "said struts" is given antecedent basis. In claim 10, "said ends" is given antecedent basis.

The claims were rejected using either 35 USC § 102(e) or 35 USC § 103(a), relying on the Roth reference, U.S. Patent No. 6,015,433. Claim 4 distinguishes Roth. Turning attention to the citation made by the Examiner in Roth, that is, column 4, lines 4-22, it is clearly disclosed that Roth describes a process which provides a "extremely thin sheet with uniform composition of nitinol throughout, a smooth surface and uniform mechanical properties. (emphasis added)

Claim 4 indicates that the surface texture of the claimed stent is non-uniform. In fact this is well described throughout the specification of the current application. A reader of Roth would never consider to make a textured surface as claimed herein, in particular, since all of the other cited art (including Roth) describe a smooth surface on a stent. It is *the textured* surface which is described herein. It is the textured surface which is claimed. It is the textured surface which distinguishes the current application from Roth and all the other cited art.

Accordingly, it is earnestly solicited that claims 4 through 10 describe a method which is patentably distinct from Roth and all the cited art. A Notice of Allowability for claims 4 through 10 is earnestly solicited.

Respectfully submitted,

By: _____
Paul A. Coletti
Reg. No. 32,019

Johnson & Johnson
One Johnson & Johnson Plaza
New Brunswick, NJ 08933-7003
(732) 524-2815
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